

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSHUA ADAMS,	:	
	:	22-CV-1075 (VSB)
Plaintiff,	:	
-against-	:	
	:	<b><u>ORDER</u></b>
	:	
46 N LLC and LITTLE GUILTY PLEASURES	:	
LLC,	:	
	:	
Defendants.	:	
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VERNON S. BRODERICK, United States District Judge:

Plaintiff requests leave to file an amended complaint. (Doc. 24.) That request is GRANTED. Plaintiff shall file this amended complaint by January 5, 2023.

There is a motion to dismiss pending in this matter. (Doc. 17.) “[W]hen a plaintiff properly amends [a] complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.” *Pettaway v. Nat’l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020). Accordingly, it is hereby:

ORDERED that Defendants shall file a letter by January 11, 2023 stating if their motion to dismiss should be deemed moot without prejudice to refile a new motion to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3), or if I should evaluate Defendants’ current motion to dismiss in light of the facts alleged in the amended complaint.

SO ORDERED.

Dated: December 30, 2022  
New York, New York



Vernon S. Broderick  
United States District Judge